

REMARKS

Applicants have carefully reviewed the Office Action mailed on August 4, 2009. Applicants respectfully traverse (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. With this response, claim 15 is amended. No new matter is added. Claim 15 is presented for examination.

Claim Rejections Under 35 U.S.C. §102

Claim 15 is rejected under 35 U.S.C. §102(e) as being anticipated by Wu et al. in U.S. Patent Pub. No. US 2004/0243156. Applicants respectfully traverse the rejection.

Claim 15 is amended to recite that the balloon has a plurality of substantially smooth wings formed therein when in the second configuration. Support for this amendment can be found, for example, in Figure 2. Wu et al. do not teach or suggest this limitation. Consequently, Applicants respectfully submit that amended claim 15 is patentable over the cited art.

Claim 15 is rejected under 35 U.S.C. §102(e) as being anticipated by Shaw et al. in U.S. Patent No. 7,279,002. Applicants respectfully traverse the rejection.

Claim 15 recites a metallic cutting blade for severing or breaking up a lesion affixed to the balloon. Shaw et al. disclose a cutting blade 104. However, the cutting blade 104 is attached to a stent 100 and is not affixed to a balloon. For at least this reason, Applicants respectfully submit that claim 15 is patentable over the cited art.

The Office Action indicated that the phrase "affixed to the balloon" means "that the metallic cutting blade is attached physically to the balloon in some manner" and that "the cutting blade 104 on stent 100 is attached to the balloon during use. We respectfully disagree that the cited art anticipates the claimed invention.

Shaw et al. disclose that the stent 100 is "for implantation in the body." Column 3, lines 58-60. If the stent 100 was affixed to a balloon, as suggested by the Office Action, the stent 100 could not be implanted in the body (or at least not implanted in the body without the balloon). Because of this, the stent 100 is not affixed to the balloon, as claimed.

Based on these distinctions, Applicants respectfully submit that claim 15 is patentable over the cited art.

Finally, item 7 on page 4 of the Office Action indicates that "it would be obvious to use the teachings of undulating cutting members on the stent to modify the cutting members on the

balloon". Applicants respectfully traverse these statements and note that an obviousness rejection has not been asserted. Should an obviousness rejection be asserted in view of Shaw et al., Applicants would like to point out that Shaw et al. would only qualify as prior art under 35 U.S.C. §102(e), if at all, and would be disqualified from use in an obviousness rejection under 35 U.S.C. §103(c) because Applicants and the inventors of Shaw et al. both had a duty to assign to the same person at the time of the invention.

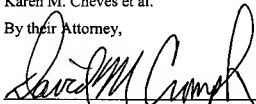
Conclusion

Reconsideration and further examination of the rejections are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Karen M. Cheves et al.

By their Attorney,



David M. Crompton, Reg. No. 36,772
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, MN 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349

Date: 10/22/09